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11/07/01

PATENT  
Customer Number 22,852  
Attorney Docket No. 3806.0449-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Prior Application Art Unit: 1632 Prior Application Examiner: P. Brunovskis



SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/341,350 filed September 8, 2000 of Michel BUREAU, Lluís MIR, and Daniel SCHERMAN for IMPROVED METHOD FOR TRANSFERRING NUCLEIC ACID INTO THE STRIPED MUSCLE AND COMBINATION THEREFOR.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/341,350 as originally filed on July 9, 1999, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☐ Cancel Claims
5. ☒ A Preliminary Amendment is enclosed.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$740	\$ \$740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	33	-	20	13	x \$18	234.00
Independent Claims	12	-	3	9	x \$84	756.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

Subtotal	\$ 1,730.00
Reduction by 1/2 if small entity	-
<b>TOTAL APPLICATION FILING FEE</b>	<b>\$ 1,730.00</b>

7. ☒ This application is being filed under 37 C.F.R. § 1.53(f). Applicants await notification of the time to submit the application filing fee.
8. ☒ The Commissioner is hereby authorized to charge any fees, except for the application filing fee, which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the following new paragraph:
- This is a continuation of application no. 09/341,350, filed July 9, 1999, which is the National Stage of International Application PCT/FR98/01400, filed June 30, 1998, which are incorporated by reference herein.
10. ☐ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: Aventis Pharma S.A.; Institut Gustav Roussy; and Centre National de la Recherche Scientifique
12. ☒ Priority of application no. 97/08233, filed on June 30, 1997 in France is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☒ is on file in the prior application.
13. ☐ Small entity status is appropriate and applies to this application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg.

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15. ☐ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
18. ☐ Recognize as associate attorney \_\_\_\_\_

## LAW OFFICES

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202-408-4000

19. ☐ Also enclosed is \_\_\_\_\_  
\_\_\_\_\_

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/341,350, filed September 8, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: *Stephen P. O'Connor*  
Steven P. O'Connor  
Reg. No. 41,225

Date: November 7, 2001